THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 4756 of 2006

Dated: 10.03.2006

Between:

Sri Jatotu Kommalu s/o Narasimha,

R/O Gudepahad village, Nallabelli Mandal,

Warangal District and another.

... **PETITIONERS**

And:

The Special Deputy Collector (TW),

Eturnagaram village and Mandal,

Warangal District and others.

... **RESPONDENTS**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 4756 of 2006

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare.

The petitioners, who suffered an order of eviction, dated 18.06.2005, vide case No.A/LTR/88/6/2004, passed by the Special Deputy Collector, Tribal Welfare,

Eturnagaram village, preferred an appeal, being Appeal No.4 of 2005 before the Court of the Project Officer, ITDA, Eturnagaram (Agent for the Scheduled Area Land Transfer Regulation) Warangal, on 24.08.2005, along with an application for stay, as provided under Andhra Pradesh Schedule Area Land Transfer Regulation 1 of 1959, (as amended by Regulation 1 of 1970) (for short 'the Regulations'). On the ground that their appeal and the stay petition have not been taken up for consideration on the one hand, and the respondents are taking steps to evict them from the Rice Mill, namely, M/S Hematha Paraboiled Private Limited Rice Mill, constructed in an extent of Ac.4.08 guntas covered by Sy.No.8/1ABC, 11/BCD, situated at Rajupet Village, Narasampet Mandal, Warangal District, on the other hand, the petitioners have approached this Court.

Inasmuch as the appeal preferred by the petitioners is pending before the statutory appellate authority, it is not desirable to record any finding on merits. Whether the transfer of the land in favour of the petitioners is in contravention of Regulations or not is a matter to be considered by the appellate authority. As it is stated that the petitioners are in possession of the land since a long time and taking into account the appeal preferred by the petitioners is pending consideration, I deem it appropriate to dispose of the writ petition directing the respondents not to evict the petitioners from the Rice Mill, namely, M/S Hematha Paraboiled Private Limited Rice Mill, constructed in an extent of Ac.4.08 guntas covered by Sy.No.8/1ABC, 11/BCD, situated at Rajupet Village, Narasampet Mandal, Warangal District, pending disposal of Appeal No.4 of 2005 on the file of the Court of the Project Officer, ITDA, Eturnagaram (Agent for the Scheduled Area Land Transfer Regulation) Warangal, preferred by the petitioners on 24.08.2005. The appellate authority shall dispose of the appeal, as expeditiously as possible.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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10.03.2006

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